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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LARRY BROWN,  
Defendant.

No.: CR 05-00518 WHA

PARTIES' STIPULATION AND  
~~[PROPOSED] ORDER CONTINUING~~  
~~STATUS HEARING~~ EXCLUDING TIME

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter on September 19, 2005 for defendant's initial appearance and arraignment on the indictment.

2. The matter was set for the next day, September 20, 2005, for an initial appearance before this Court.

3. At the September 20, 2005 appearance, Assistant Federal Public Defender Ronald Tyler, who represents the defendant, requested a continuance from September 20, 2005 until October 4, 2005, based upon effective preparation of counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

1 4. In light of the foregoing facts, the failure to grant the requested exclusion would  
2 unreasonably deny counsel for the defense the reasonable time necessary for effective  
3 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),  
4 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.  
5 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §  
6 3161(h)(8)(A).

7 5. For the reasons stated, the time period from September 20, 2005 until October 4, 2005  
8 shall be excluded from the calculation of time under the Speedy Trial Act.

9 SO STIPULATED.

10 DATED: 9/20/05

Respectfully Submitted,

11  
12 /s/  
13 MICHELLE MORGAN-KELLY  
14 Assistant United States Attorney

15 DATED: 9/21/05

16 /s/  
17 RONALD TYLER  
18 Counsel for Defendant Larry Brown

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 DATED: September 26, 2005

21 HON. WILLIAM H. ALSUP  
22 United States District Court Judge